

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

STEVE WINDHAM d/b/a Windham Co. §
v. § CIVIL ACTION NO. 9:11CV152
CITY OF CENTER, TEXAS, *et al.* §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document #12) recommends that the Motion to Dismiss (document #11) be granted and that the complaint be dismissed with prejudice for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6). No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Motion to Dismiss (document #11) is **GRANTED** and the above-complaint is **DISMISSED** with prejudice for failure to state a claim. Fed.R.Civ.P. 12(b)(6). Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this 29 day of June, 2012.



Ron Clark, United States District Judge